

### **REMARKS**

Applicant has fully considered the Non-Final Office Action of February 13, 2006. The indication of allowable subject matter is gratefully acknowledged. In view of the following remarks and arguments, Applicant respectfully requests that the Examiner reconsider and withdraw the objections and rejections. Applicant further submits that the application is in condition for allowance and respectfully requests that a Notice of Allowance be issued.

### **The Office Action**

In the Office Action mailed February 13, 2006:

**Claims 19 and 20** were objected to because the word "of" should be deleted from the phrase "in real time of" in claim **19** and **20** depends from claim **19**;

**Claims 1, 7, 8, 11, 12, 15, 18-20, 23, 26-29, 36, 37, 39, 43, 48, 49 and 51** were rejected under 35 U.S.C. 102(b) as being anticipated by Kesler et al. (US005791063A);

**Claims 2, 3, 5, 6, 13, 24, 30-32, 40 and 52** were rejected under 35 U.S.C. 103(a) as being unpatentable over Kesler in view of Andersson et al. (US005787815A);

**Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kesler and Andersson, in further view of Erspamer (US003931747A);

**Claims 9, 10, 21, 22, 38 and 50** were rejected under 35 U.S.C. 103(a) as being unpatentable over Kesler in view of Bryan (US005987979A);

**Claims 14, 16, 17, 25, 42, 53, 54 and 61** were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kesler and Andersson, and in further view of Schroeder et al. (US004726448A);

**Claims 33-35 and 45-47** were rejected under 35 U.S.C. 103(a) as being unpatentable as obvious over Kesler;

**Claim 41** was rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kesler and Andersson, and in further view of Murray et al. (US003976272A);

**Claim 44** was rejected under 35 U.S.C. 103(a) as being unpatentable over Kesler in

view of Murray et al;

**Claims 59 and 60** were allowed; and

**Claims 55-58** were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

### **The Present Application**

Currently, **claims 1, 18, 29, 43, and 61** have been amended to distinguish them from the prior art. **Claim 19** has also been amended to no longer include the objectionable wording. Finally, **claims 54 through 58** have been cancelled.

### **Amendment to Claim 1**

**Claim 1** has first been amended to include the phrase "determining a plurality of calculated parameters from the track parameters, including a balance speed parameter, and" after the phrase "communicating with the track detector, for" in the clause detailing the uses for the computing device. The change was made to more clearly indicate that a set of calculated parameters, including balance speed, will be determined by the computing device.

Additionally, the phrases "and calculated parameters" and "or calculated parameters" have been added after "track parameters" in the same clause, to indicate that the calculated parameters and balance speed will be considered by the computing device when generating corrective measures.

Lastly, the phrase "and communicating the corrective measures to an onboard drive system" has been added at the end of **claim 1** to demonstrate at least one specific use for the corrective measures generated by the computing device not, contemplated by the prior art.

These changes have been made in order to distinguish claim 1 from prior art in Kesler (US005791063A). Kesler does not teach calculating a balance speed parameter as a function of track parameters. Moreover, Kesler does not teach communicating corrective

measures to an onboard drive system. As such, **claim 1** and all claims depending from **claim 1** should be allowed.

#### **Amendment to Claim 18**

**Claim 18** has first been amended to include a new section (b) which states “determining a plurality of calculated parameters from the track parameters, including a balance speed parameter.” The change is made to indicate that the method described includes determining a set of calculated parameters, including balance speed.

Next, the phrases “and calculated parameters” and “or calculated parameters” have been added to sections (c) and (d) of the claim, to indicate that the calculated parameters and balance speed will be considered when generating corrective measures.

Lastly, the phrase “and communicating the corrective measures to an onboard drive system” has been added at the end of section (d) to demonstrate at least one specific use for the corrective measures generated by the computing device, not contemplated by the prior art.

These changes have been made in order to distinguish **claim 18** from prior art in Kesler (US005791063A). Kesler does not teach calculating a balance speed parameter as a function of track parameters. Moreover, Kesler does not teach communicating corrective measures to an onboard drive system. As such, **claim 18** and all claims depending from **claim 18** should be allowed.

#### **Amendment to Claim 19**

**Claim 19** has been amended to no longer include the word “of” in the phrase “determining in real-time of if.”

#### **Amendment to Claim 29**

**Claim 29** has first been amended to include the phrase “determining a plurality of calculated parameters from the track parameters and the vehicle parameters, including a

balance speed parameter, and” after the phrase “communicating with the track detector, for” in the clause describing the computing device. The change was made to more clearly indicate that a set of calculated parameters, including balance speed, will be determined by the computing device.

Next, the phrases “and calculated parameters” and “or calculated parameters” have been added after “track parameters” in the same clause, to indicate that the calculated parameters and balance speed will be considered by the computing device when generating corrective measures.

Lastly, the phrase “and communicating the corrective measures to an onboard drive system” has been added at the end of **claim 29** to demonstrate at least one specific use for the corrective measures generated by the computing device, not contemplated by the prior art.

These changes have been made in order to distinguish **claim 29** from prior art in Kesler (US005791063A). Kesler does not teach calculating a balance speed parameter as a function of track parameters. Moreover, Kesler does not teach communicating corrective measures to an onboard drive system. As such, **claim 29** and all claims depending from **claim 29** should be allowed.

#### **Amendment to Claim 43**

**Claim 43** has first been amended to include a new section (c) which states “determining a plurality of calculated parameters from the track parameters and the vehicle parameters, including a balance speed parameter.” The change is made to indicate that the method described includes determining a set of calculated parameters, including balance speed.

Next, the phrases “and calculated parameters” and “or calculated parameters” have been added to sections (d) and (e) of the claim, to indicate that the calculated parameters and balance speed will be considered when generating corrective measures.

Lastly, the phrase “and communicating the corrective measures to an onboard drive system” has been added at the end of section (d) to demonstrate at least one specific use

for the corrective measures generated by the computing device, not contemplated by the prior art.

These changes have been made in order to distinguish **claim 43** from prior art in Kesler (US005791063A). Kesler does not teach calculating a balance speed parameter as a function of track parameters. Moreover, Kesler does not teach communicating corrective measures to an onboard drive system. As such, **claim 43** and all claims depending from **claim 43** should be allowed.

#### **Amendment to Claim 61**

**Claim 61** has been amended to include the phrase “including a balance speed parameter for the train” at the end of section (c), to indicate that the method described includes calculating a balance speed parameter.

Additionally, section (d) has been amended to include the phrase “associated with the balance speed parameter” to indicate that the balance speed will be considered when determining acceptable tolerances for the calculated parameters

Lastly, the phrase “associated with the balance speed parameter” has again been added to section (e) to indicate that the balance speed will be considered when determining if calculated parameters are within acceptable tolerances.

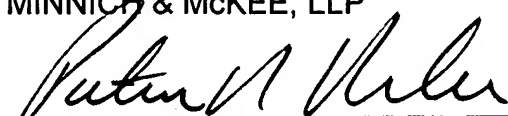
These changes have been made in order to distinguish **claim 61** from prior art in Kesler (US005791063A). Kesler does not teach considering a balance speed parameter when determining if parameters are within acceptable tolerances or when generating corrective measures. As such, **claim 61** should be allowed.

**CONCLUSION**

In view of the above amendments and remarks, the applicant submits that the present application is in condition for allowance. Notice of such allowance is hereby respectfully requested.

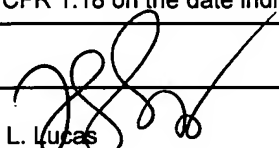
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June 13, 2006  
Date

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<input type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.	
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Date: June 13, 2006	Name: Theresa L. Lucas